IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

F.A.O. No.4975 of 2006
Date of Decision: 2.11.2006

Jaswant Singh and another.

..... Appellants

Versus

Malkit Kaur and another.

..... Respondents

CORAM: Hon'ble Mr.Justice Uma Nath Singh
Hon'ble Mr.Justice Mahesh Grover

....

Present: Shri Suresh Goel, Advocate for the appellants.

....

Mahesh Grover,J.

The present appeal has been preferred by the driver and owner of the offending tractor-trolley bearing registration No. PB-13G-1156 against award dated 18.8.2006 of the Motor Accident Claims Tribunal, Mansa (hereinafter described as `the Tribunal') passed in M.A.C.T. Case No.37 of 21.10.2004.

The appellants have assailed the award by disputing the negligence attributed to the driver of the offending tractor-trolley, as also the quantum of compensation assessed by the Tribunal.

Learned counsel for the appellants contended that RW1-Harbans Singh, the pillion rider on the scooter No.PB-10S-2215, who was

also injured in the same accident in which Gurmeet Singh lost his life, has testified that the accident had taken place because of a stray animal suddenly coming in front and not because of the negligence of the tractor-trolley driver. He further contended that the amount of compensation awarded is also excessive.

We have heard the learned counsel and have thoughtfully considered his submissions.

Concededly, the driver of the offending tractor-trolley is facing criminal proceedings. There is nothing on record to show that the appellants reported the matter or made any complaint regarding false implication of the driver in the criminal case. Apparently, RW1-Harbans Singh had been won over by the appellants and this fact has been satisfactorily explained by the Tribunal while dealing with his testimony. The pendency of criminal proceedings is prima facie indicative of the involvement and negligence of the driver of the offending tractor-trolley which is sufficient for determining the proceedings under the Motor Vehicles Act,1988 in claim petitions. The Tribunal has awarded a sum of Rs.2,98,000/- as compensation on account of the death of a 40 years old person, which, in our opinion, is not excessive.

For the reasons recorded above, the appeal is dismissed in limine.

(Uma Nath Singh)
Judge

(Mahesh Grover)
Judge

November 02,2006
"SCM"